

Atty Docket No. 21154-000810US

PTO FAX NO.: (703) 872-9306

ATTENTION: Centralized Fax No.

Group Art Unit: 2186

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OFFICIAL

**OFFICIAL COMMUNICATION  
POWER OF ATTORNEY, STATEMENT UNDER 3.73(B)  
WITH COPY OF ASSIGNMENT FOR ENTRY IN U.S.  
PATENT APPLICATION NO. 10/650,360  
FILED AUGUST 27, 2003**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

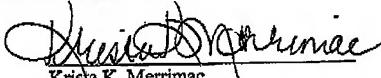
I hereby certify that the following document(s) in re Application of ALBERT LEUNG et al., Application No. 10/650,360, filed August 27, 2003 for OPTIMIZING STORAGE CAPACITY UTILIZATION BASED UPON DATA STORAGE COSTS is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. SB/21 Transmittal (1 page)
2. Power of Attorney (1 page)
3. Statement Under 3.73(b) with copy of Assignment (5 pages)

Number of pages being transmitted, including this page: 8

Dated: January 8, 2004

  
Krista K. Merrimac

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TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111-3834  
Telephone: 650-326-2400  
Fax: 650-326-2422  
60140956.V1

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|--|--|--|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |  | Application Number<br>10/650,360         |
|  |  | Filing Date<br>August 27, 2003           |
|  |  | First Named Inventor<br>Leung, Albert    |
|  |  | Art Unit<br>2186                         |
|  |  | Examiner Name<br>To Be Assigned          |
| Total Number of Pages in This Submission.<br>8   |  | Attorney Docket Number<br>21154-000810US |

| ENCLOSURES (Check all that apply)  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s)<br><small>(please identify below):</small><br>Power of Attorney, Statement Under 3.73(b),<br>Copy of Assignment, Certification of Facsimile Transmission |
| Remarks  |  | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT               |                 |                 |
|--|-----------------|-----------------|
| Firm or Individual<br>Townsend and Townsend and Crew LLP | Sujit B. Kotwal | Reg. No. 43,336 |
| Signature<br><i>S. B. Kotwal</i>                         |                 |                 |
| Date<br>January 8, 2004                                  |                 |                 |

| CERTIFICATE OF MAILING  |   |                         |
|---|---|-------------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9306 on January 8, 2004. |   |                         |
| Typed or printed name<br>Krista K. Merfmac  |  | Date<br>January 8, 2004 |
| Signature<br><i>Krista K. Merfmac</i>   |   |                         |

60114080 v1

**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

|                               |   |
|-------------------------------|---|
| <b>Application Number</b>     | 10/650,360  |
| <b>Filing Date</b>            | August 27, 2003   |
| <b>First Named Inventor</b>   | Leung, Albert   |
| <b>Title</b>                  | Optimizing Storage Capacity<br>Utilization Based Upon Data Storage<br>Costs |
| <b>Art Unit</b>               | 2186  |
| <b>Examiner Name</b>          | To Be Assigned  |
| <b>Attorney Docket Number</b> | 21154-000810US  |

I hereby appoint:

 Practitioners associated with the Customer Number

20350

OR

 Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
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I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
*Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06).*

SIGNATURE of Applicant or Assignee of Record

Name

G. PAULSON

Signature

Date

12/5/03

Telephone

650 237 6101

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 \*Total of 1 forms are submitted.

60061642 V1

PTO/SB/08 (05-03)

Approved for use through 04/03/2003. GSA GEN. REG. NO. 27-1001

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Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.  
Attorney Docket No. 21154-000810US**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Albert Leung et al.

Application No./Patent No.: 10/650,360

Filed/Issue Date: August 27, 2003

Entitled: OPTIMIZING STORAGE CAPACITY UTILIZATION BASED UPON DATA STORAGE COSTS

Arkivio, Inc.

a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_ or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_ or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_ or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/5/03

Date

650 257 6101

Telephone number

G. PAULSKA

Typed or printed name

Signature

CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing burden would be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-760-9199) and select option 2.

60061648 v1

Attorney Docket No.: 21154-000810US

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Albert Leung of 1926 Alford Avenue, Los Altos, California 94024; Giovanni Paliska of 2400 West El Camino Real, #1019, Mountain View, California 94040; Bruce Greenblatt of 6841 Heaton Moor Drive, San Jose, California 95119; Claudia Chandra of 22330 Homestead Road, #213, Cupertino, California 95014 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: OPTIMIZING STORAGE CAPACITY UTILIZATION  
BASED UPON DATA STORAGE COSTS

Date(s) of execution of Declaration: August 27, 2003 (Leung; Paliska; Greenblatt;  
Chandra)

Filing Date: August 27, 2003

Application No.: 10/650,360; and

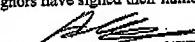
WHEREAS, Arkivio, Inc., a corporation of the state of Delaware, located at 2700 Garcia Avenue, Mountain View, California, 94043, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

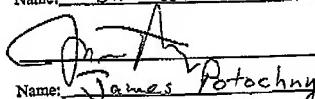
IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 12/5/03

  
Albert Leung COPY

Name: Bruce Greenblatt

Dated: 12/5/03

  
James Potochny

Assignment  
Attorney Docket No.: 21154-000810US  
Page 2

Dated: 12/5/03



Giovanni Paliska

WITNESSES:

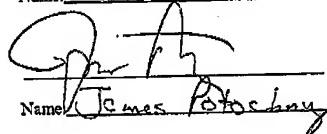
Dated: 12/5/03



Buzz Walker

Name: Buzz Walker

Dated: 12/5/03



James Potashny

Name: James Potashny

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Attorney Docket No.: 21154-000810US  
Page 3

Dated: 12/5/2003

Bruce Greenblatt

Bruce Greenblatt

WITNESSES:

Dated: 12/5/03

B. Walker

Name: Bruce Walker

Dated: 12/5/03

J. A.

Name: James Potashny

**COPY**

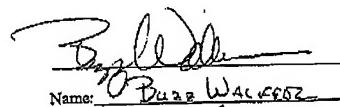
Assignment  
Attorney Docket No.: 21154-000810US  
Page 4

Dated: 12/5/03

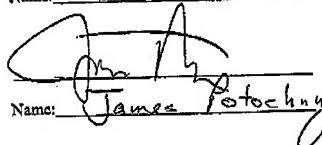
  
Claudia Chandra

WITNESSES:

Dated: 12/5/03

  
Name: Buzz Walker

Dated: 12/5/03

  
Name: James Potochny

60061634 v1

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